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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,384	09/01/2000	Steven L. Sholem	6299-A-01	7084
23123 7590 09/18/2007 SCHMEISER OLSEN & WATTS 18 E UNIVERSITY DRIVE SUITE # 101 MESA, AZ 85201			EXAMINER NAJARIAN, LENA	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 09/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/653,384	Applicant(s) SHOLEM, STEVEN L.	
	Examiner Lena Najarian	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-51, 53-61, 63 and 64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-51, 53-61, 63 and 64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 7/6/07. Claims 1-41, 52, and 62 are cancelled. Claims 42-43, 45, 47, 49, 50, 53, 54, 56, 58, 59, 60, and 61 have been amended. Claims 63 and 64 are newly added. Claims 42-51, 53-61, and 63-64 are pending.

Claim Rejections - 35 USC § 112

2. The rejection of claims 39, 42-51, and 53-62 under 35 U.S.C. 112, first paragraph, is hereby withdrawn due to the cancellation of independent claims 39 and 62 in the amendment filed 7/6/07.

3. The rejection of claims 39, 42-51, and 53-62 under 35 U.S.C. 112, second paragraph, is hereby withdrawn due to the cancellation of independent claims 39 and 62 in the amendment filed 7/6/07.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 63, 42-51, 53-57, 60, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarter et al. (5,550,734) in view of Jackson (US 2002/0055858 A1), and further in view of Conway (5,732,401).

(A) Referring to claim 63, Tarter discloses a medical management system comprising at least one electronic device having (abstract of Tarter):

- a) a display (col. 19, lines 1-19 of Tarter);
- b) a memory (Fig. 10 and col. 19, lines 1-19 of Tarter); and
- c) a processor operating in accordance with software for (Fig. 10 and col. 19, lines 1-19 of Tarter):

- 1) receiving an identifier associated with a third party payor ("TPP") as input (col. 5, lines 53-65 of Tarter);

- 2) accessing data indicative of the historical payment patterns of the TPP to one or more medical service providers and assigning a rank to a patient's TPP (col. 12, lines 50-59 and col. 13, lines 10-17 of Tarter; the Examiner interprets "score and status" to be a form of "rank");

- 3) generating an indication of creditworthiness based at least in part upon the historical payment patterns of the TPP to the one or more medical service providers (col. 13, lines 34-60 of Tarter); and

- 4) generating an indication of when the TPP is accepted based in part on the rank assigned to the TPP (col. 38, lines 34-65 of Tarter);

Tarter does not disclose that a net present value of a future payment by the TPP for at least one requested medical service for a patient associated with the TPP may be generated, generating an indication of the net present value of

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the at least one requested medical service prior to providing the medical service, and generating an indication of when the patient's requested appointment should be scheduled based in part on the net present value and the rank assigned to the patient's TPP.

Jackson discloses generating an indication of the worth of the at least one requested medical service prior to providing the medical service (para. [0007] and [0012] of Jackson).

Conway discloses generating an indication of when the patient's requested appointment should be scheduled based in part on the cost of the procedure (col. 12, lines 50-64 and col. 14, lines 31-48 of Conway).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of Jackson and Conway within Tarter. The motivation for doing so would have been to provide predictability with regard to the payment for medical services (para. [0022] of Jackson) and to enhance quality and profitability (col. 1, lines 10-17 of Conway).

While Tarter does disclose calculating a discount rate to reflect the time value of the provider's receivables (col. 40, lines 6-14 of Tarter), Tarter, Jackson, and Conway do not expressly disclose generating a *net present value* of a future payment by the TPP for at least one requested medical service for a patient.

However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include the net present value of the medical service with the motivation of generating a more meaningful analysis based on the time value of money.

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(B) Referring to claim 42, Tarter discloses wherein a payment pattern of the TPP comprises a time delay in payment of fees by the TPP (col. 7, lines 13-19 of Tarter).

Tarter does not expressly disclose an allowable fee schedule of the TPP and a percentage of the allowable fees paid by the TPP.

Jackson discloses an allowable fee schedule of the TPP and a percentage of the allowable fees paid by the TPP (para. [0007] and [0016] of Jackson).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the aforementioned feature of Jackson within Tarter. The motivation for doing so would have been to place a cap upon the amount the third party will pay (para. [0007] of Jackson).

(C) Referring to claim 43, Tarter does not disclose wherein a relative value for the at least one medical service is a difference between the net present value for the at least one medical service provided and a cost of providing the at least one medical service.

Jackson discloses a relative value for at least one medical service (para. [0007] of Jackson).

Conway discloses tracking the costs of medical procedures (abstract of Conway).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of Jackson and Conway within Tarter. The motivation for doing so would have been to accurately account for the cost of particular services (col. 2, lines 14-21 of

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Conway) and to provide certainty with respect to the timing or amount of payment (para. [0013] of Jackson).

(D) Referring to claim 44, Tarter and Jackson do not disclose wherein the cost of providing the at least one medical service is a function of an equipment and supplies cost.

Conway discloses wherein the cost of providing the at least one medical service is a function of an equipment and supplies cost (abstract and col. 2, lines 46-59 of Conway).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the aforementioned feature of Conway within Tarter and Jackson. The motivation for doing so would have been to establish profitable pricing (col. 1, lines 10-13 of Conway).

Insofar as the claim recites "at least one of," it is immaterial whether or not the other elements are also disclosed.

(E) Referring to claim 45, Tarter discloses wherein the indication of the value is one of a plurality of ranked indicators (col. 13, lines 10-17 of Tarter).

(F) Referring to claim 46, Tarter, Jackson, and Conway do not disclose wherein the plurality of ranked indicators includes at least red, orange and green. The Examiner respectfully submits that presenting indicators in a user interface using colors is a well-known technique in the graphical user interface arts. The motivation for doing so would have been to allow a user to quickly ascertain information.

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(G) Referring to claim 47, Tarter discloses wherein the identifier is an identifier of a patient associated with the TPP and the software is configured to generate an indication of whether it would be profitable to accept the TPP based at least in part upon the historical payment patterns of the TPP to one or more medical service providers (col. 5, lines 53-64, col. 12, lines 50-59, and col. 15, lines 54-60 of Tarter).

(H) Referring to claim 48, Tarter does not expressly disclose wherein the indication is generated as a function of the net present value of anticipated medical services to be provided for the patient.

Jackson discloses wherein the indication is generated as a function of the relative value of anticipated medical services to be provided for the patient (para. [0007] and [0012] of Jackson).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned feature of Jackson within Tarter. The motivation for doing so would have been to indicate the worth of the medical procedures (para. [0007] of Jackson).

(I) Referring to claim 49, Tarter discloses wherein the indication is generated as a function of the expected profitability of the TPP (col. 15, lines 54-60 of Tarter).

(J) Referring to claim 50, Tarter discloses wherein the software is configured to generate an indication of whether it would be profitable to enter into a services agreement with the TPP (col. 15, lines 54-60 and col. 13, lines 34-60 of Tarter).

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(K) Referring to claim 51, Tarter discloses wherein the indication is generated as a function of at least one payment pattern of the TPP (col. 12, lines 52-59 of Tarter).

(L) Referring to claim 53, Tarter discloses wherein the indication is generated as a function of at least one payment pattern of the TPP with which the patient is associated (col. 13, lines 34-60 of Tarter).

(M) Referring to claim 54, Tarter and Jackson do not disclose wherein the software is configured to generate a recommended duration for a primary medical personnel to visit with the patient, the recommended duration being based at least in part upon the historical payment patterns of the TPP to the one or more medical service providers.

Conway discloses wherein the software is configured to generate a recommended duration for a primary medical personnel to visit with the patient, the recommended duration being based at least in part upon the historical payment patterns of the TPP to the one or more medical service providers (col. 9, lines 46-50 and col. 1, lines 40-55 of Conway).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned feature of Conway within Tarter and Jackson. The motivation for doing so would have been to determine the costs associated with a visitation (col. 9, lines 46-50 of Conway).

(N) Referring to claim 55, Tarter and Jackson do not disclose wherein the software is further configured to generate a timer indicating time remaining in the recommended duration.

Conway discloses wherein the software is further configured to generate a timer indicating time remaining in the recommended duration (col. 20, line 66 – col. 21, line 38 of Conway).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned feature of Conway within Tarter and Jackson. The motivation for doing so would have been to accurately account for time (col. 20, line 66 – col. 21, line 4 of Conway).

(O) Referring to claim 56, Tarter discloses a central controller in communication with the at least one electronic device, the central controller enabling communication between a plurality of electronic devices and databases (col. 19, lines 1-19 and Fig. 10 of Tarter).

(P) Referring to claim 57, Tarter discloses wherein each of the at least one electronic device is configured as a local access terminal (col. 16, line 67 – col. 17, line 1 of Tarter).

(Q) Referring to claim 60, Tarter and Jackson do not disclose the at least one electronic device further comprising software configured to evaluate a use pattern of at least one supply of a medical services provider, evaluate an inventory quantity of the at least one supply, evaluate an estimated scheduled appointment use of the at the least one supply, and automatically order an appropriate quantity of the at least one supply.

Conway discloses disclose the at least one electronic device further comprising software configured to evaluate a use pattern of at least one supply of a medical services provider, evaluate an inventory quantity of the at least one

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supply, evaluate an estimated scheduled appointment use of the at the least one supply, and automatically order an appropriate quantity of the at least one supply (col. 2, lines 46-56 and col. 11, lines 33-44 of Conway).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of Conway within Tarter and Jackson. The motivation for doing so would have been to store supplies management information in order to determine when the supply must be reordered (col. 11, lines 33-44 of Conway).

(Q) Claim 64 repeats substantially the same limitations as claims 63 and 54, and is therefore rejected for the same reasons given for those claims above.

6. Claims 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarter et al. (5,550,734) in view of Jackson (US 2002/0055858 A1), in view of Conway (5,732,401), and further in view of McCormick (US 2002/0035484 A1).

(A) Referring to claim 58, Tarter, Jackson, and Conway do not disclose wherein the at least one electronic device is configured as one of a wireless access terminal and a wireless interface, and the at least one electronic device further comprises software configured to receive an electronic superbill and automatically send related charges to a TPP for payment.

McCormick discloses wherein the at least one electronic device is configured as one of a wireless access terminal and a wireless interface, and the at least one electronic device further comprises software configured to receive an

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electronic superbill and automatically send related charges to a TPP for payment (para. [0040] and [0061] of McCormick).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of McCormick within Tarter, Jackson, and Conway. The motivation for doing so would have been to provide the convenience of a wireless connection (para. [0062] of McCormick), to note the diagnoses and procedures and for the insurance companies to pay the doctors according to the procedures performed (para. [0040] of McCormick).

(B) Referring to claim 59, Tarter, Jackson, and Conway do not disclose wherein the at least one electronic device is configured as one of a wireless access terminal and a wireless interface, and the at least one electronic device further comprises software configured to transmit to a pharmacy a prescription, billing information and an address to which the prescription should be delivered.

McCormick discloses wherein the at least one electronic device is configured as one of a wireless access terminal and a wireless interface, and the at least one electronic device further comprises software configured to transmit to a pharmacy a prescription, billing information and an address to which the prescription should be delivered (para. [0061], [0073], and [0090] of McCormick).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of McCormick within Tarter, Jackson, and Conway. The motivation for doing so would have been to provide the convenience of a wireless connection (para. [0062] of

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McCormick) and to provide the convenience of filling the order by mail (para. [0090] of McCormick).

7. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tarter et al. (5,550,734) in view of Jackson (US 2002/0055858 A1), in view of Conway (5,732,401), and further in view of Edelson et al. (5,737,539).

(A) Referring to claim 61, Tarter, Jackson, and Conway do not disclose the at least one electronic device further comprising a biometric identifying device operatively coupled thereto.

Edelson discloses at least one electronic device further comprising a biometric identifying device operatively coupled thereto (col. 17, lines 37-42 of Edelson).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned feature of Edelson within Tarter, Jackson, and Conway. The motivation for doing so would have been a higher level of security (col. 17, lines 37-42 of Edelson).

Response to Arguments

8. Applicant's arguments with respect to claims 63, 64, and 54 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches health care payment compliance management (US 2002/0032584 A1); a patient care delivery system (US 6,302,844 B1); a method and apparatus for accessing patient insurance information (6,112,986); a system and method for predicting, comparing and presenting the cost of self insurance versus insurance and for creating bond financing when advantageous (6,009,402); a medical reimbursement computer system (4,667,292); and a method and system for generating statistically-based medical provider utilization profiles (5,557,514).

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is 571-272-7072. The examiner can normally be reached on Monday - Friday, 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


In
9-5-07


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